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8
9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14 v.
15 TANNER JOEL HERNANDEZ-FIELDS,
16 Defendant.

CASE NO. 1:20-CR-00221-DAD-BAM

STIPULATION TO VACATE STATUS
CONFERENCE, SET CHANGE OF PLEA, AND
EXCLUDE TIME UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: July 14, 2021
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status on July 14, 2021.
- 21 2. By this stipulation, defendant now moves to vacate the status conference, set this case for
22 a change of plea on August 16, 2021, and to exclude time between July 14, 2021, and August 16, 2021,
23 under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
- 24 3. The parties agree and stipulate, and request that the Court find the following:
- 25 a) The government has represented that the discovery associated with this case
26 includes numerous reports, search warrants, recorded statements, and electronic devices. All of
27 this discovery has been either produced directly to counsel and/or made available for inspection
28 and copying.

1 b) Counsel for defendant desires additional time to consult with his client, to review
2 the current charges, to conduct investigation and research related to the charges including
3 mitigation information for sentencing, and to prepare his client for the change of plea.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of July 14, 2021 to August 16, 2021,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
14 because it results from a continuance granted by the Court at defendant's request on the basis of
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20 IT IS SO STIPULATED.

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23 Dated: July 1, 2021

PHILLIP A. TALBERT
Acting United States Attorney

24
25 /s/ LAURA D. WITHERS
LAURA D. WITHERS
26 Assistant United States Attorney
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1 Dated: July 1, 2021

/s/ DOUGLAS C. FOSTER
DOUGLAS C. FOSTER
Counsel for Defendant
TANNER JOEL HERNANDEZ-
FIELDS

8 **FINDINGS AND ORDER**

9 IT IS SO ORDERED that the status conference currently set for July 14, 2021, at 1:00 p.m.
10 before Magistrate Judge Barbara A. McAuliffe is **VACATED** and a Change of Plea is set for August 16,
11 2021 at 10:00 AM before District Judge Dale A. Drozd. Time is excluded pursuant to 18 U.S.C. §
12 3161(h)(7)(A), B(iv).

13 IT IS SO ORDERED.

14 Dated: July 1, 2021

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE